

REMARKS

Claims 1-3, 13-15, 18-29 are currently pending in the application. Claims 3 and 13 have been amended to for clarification. No new matter has been added.

The Office states that despite the Applicant's amendment of claims 19-21 and 27-29 these claims have been withdrawn from consideration. The Applicant respectfully asserts that the Applicant has never withdrawn these claims from consideration. In the response to the May 18, 2006, Office Action, on page 8, the Applicant stated that "if the Offices chooses to with [the restriction requirement], the Applicant ... withdraws the new claims 19-29." (emphasis added) Since the Office did not withdraw the restriction requirement, these claims were not withdrawn by the Applicant. Further, after the amendment, the claims fall within the scope of the elected claims. Indeed, the Office's comments on page 2 of the Office Action dated August 8, 2006, states that the non-elected claims "do not require an interpreter." These claims have been amended to require an interpreter. Accordingly, Applicant is entitled to examination of these claims. Otherwise, the Applicant contends that these claims are allowable. Further, and notwithstanding the foregoing, Applicant respectfully calls to the Examiner's attention Examiner's inconsistent statements that claim 19 have both been withdrawn and is among the claims remaining for prosecution on the merits.

The Office maintains its rejection of claims 3 and 13 under 35 U.S.C. §112, first paragraph. The Applicant respectfully disagrees and directs the Office's attention to Figures 3-5 which illustrate a device having dual displays and microphones. The specifics of assembling such a device would have been known to those reasonably skilled in the art as it was known how to assemble a single computer or similar audio/video input-output device. For example, electronic devices providing a means for inputting a plurality of audio signals and/or outputting a plurality of audio signals have been known in the art for decades. Virtually every audio mixer for the last fifty years has provided such means. Similarly, for nearly the same length of time video signal mixers, editing devices and chroma key effects products have provided a multitude of methods and means for simple and effective multi source video inputting and outputting, such as from a plurality of video cameras to a plurality of video monitors. Moreover, multi-source video outputting has been

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well known in the art for at least thirty years at which time multi-video displays, such as those used in television production studios, became standard for the television production industry. Moreover, for at least a decade “picture within a picture” video displays of a plurality of video sources have been a common feature of high end consumer television receivers.

The Office further rejects claims 3 and 13 under 35 U.S.C. §112, second paragraph as failing to distinctly claim the subject matter. The Applicant has amended these claims to provide clarity. The Applicant believes that this objection has now been overcome and respectfully requests this rejection be withdrawn.

The Office rejects claims 1,2,14,15, 18 and 22-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,926,787 to Bennett et al. in view of U.S. Patent No. 6,370,498 to Flores et al. The Applicant respectfully disagrees and traverses this rejection.

The Bennett disclosure “relates to a computer-aided *transcription* system used by court reporters which provides readable testimony to attorneys, judges, court reporters, witnesses and clients in real time.” (emphasis added) Col. 1, lines 25-28. In Bennett, a court reporter, using a set of keys “in various combinations and sequences to represent spoken words” (col. 1, lines 36-39) records testimony in open court. These key-strokes are transcribed into pre-assigned words, wherein the key-stroke and associated word is stored in a cross-reference database. The transcription ability of the Computer Aided Transcription (“CAT”) system in the Bennett reference is limited by the cross-reference library provided by the court reporter.

In contrast to the Bennett reference, the present invention is directed to a system and method for providing interpretive services to a user, wherein the required interpretive services are defined by the user. Simply put, aspects of the present invention are directed to a useful means of providing *interpretation and translation* services. Human communications, by their nature, are complex, multi-sensorial and multi-faceted exchanges of information. The present invention describes a useful, novel and non-obvious means of effectuating the *interpretation and translation* of complex multi-sensorial and multi-faceted communications of one human being into those which can be understood by another human being who may not share the same language, culture or sensorial capabilities with the first. The Bennett reference neither describes nor teaches any

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means of interpretive or translational services. Neither does the Bennett reference teach, provide a description of, or even remotely pertain to, any means for effectuating the complex and multi-dimensional process of *interpretation* and *translation* of complex human communications made by persons who speak different languages, communicate via different cultural mannerisms or idioms, and/or are differentially physiologically capable of hearing, speaking or seeing. Bennett's virtual mathematical transcriptional means of generating a programmed, and therefore fixed and predetermined, output in response to a particular input bears virtually no similarity to the incredibly complex process of interpretation and translation of human communications that are effectuated through a combination of audio and visual cues. No technology currently exists to do so without the intervention of a human translator or interpreter as is described in the subject invention. Therefore, any analogy of the slavish transcription process described in Bennett to the process described in the embodiments of the current invention, a process by which a human interpreter *interprets and translates* the complex audio and visual productions of a first human being into complex linguistic and cultural cues that can be understood by a second human being who does not speak the language or share the culture of the first, is, simply put, absurd. Rather, the Bennett reference merely describes a *transcription* service that is directed to a process that slavishly *transcribes* key-strokes into assigned words. Bennett provides absolutely no teaching regarding how one linguistically and culturally complex set of audio-visual data, i.e. the synergistic combination of words, sounds, intonations, facial features, gestures, etc., of one user can be effectively be translated and communicated to another user who speaks a different language and may have little or no familiarity with the meanings of such sounds, intonations, facial features, gestures, etc. In fact, nowhere in the Bennett disclosure is there any reference whatsoever to the concept of, or even the use of the word, "translation". Neither is there a reference to the concept of, or use of the word "interpretation".

Interpretation is defined as "1. explain the meaning of; make understandable 2. to translate (esp. oral remarks) 3. to have or show one's own understanding of the meaning of; construe 4. to bring out the meaning of; esp. to give one's own conception of (a work of art) as in performance or criticism." Webster's New World Dictionary, Second College Edition. (attached hereto).

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Slavishly transcribing a key-stroke into a pre-assigned word is not “explaining meaning”, “translating”, “having or showing one’s own understanding of the meaning of; construing” or “bringing out the meaning”. It is simply converting a key-stroke to a single, pre-assigned word.

The Office states that the Bennett reference teaches all of the limitations of claims 1 and 22. In particular, the Office states that Bennett “teaches a communication services network..., wherein users *require* interpretations to facilitate communications (col. 15, lines 24-44...)”. The Applicant contends that this is simply incorrect and that the Bennett apparatus fails to teach all of the limitations of claims 1 or 22. In particular, the language recited in claim 1 that “the first user and the second user requiring an interpreter to facilitate communication with each other” is not met by Bennett. Indeed, nowhere in Bennett do the users *require* an interpreter as required by the claim language. Similarly, the language recited in claim 22 that the “the communication service provider facilitates communication between the first user and the second user” is not met by the Bennett reference as neither the court reporter or the CAT system “facilitate communication between the first user and the second user.” This is a strained and unsupported reading of the Bennett reference.

The portion of the Bennett reference cited by the Office to support the Office’s contention, to wit, that “users requires interpretation to facilitate communication” is not applicable as the citation (col. 18, lines 18-25) is merely explaining the manner in which the court reporter can *update* the cross-reference library. There is no interpretation services being rendered to any party; rather, a relational database is being created by listing new words and making them available to the CAT system (col. 15, lines 33-44) which “provides an interactive training and updating session for the court reporter to add [any words not already found] to the cross-reference library 15” (col. 15, lines 45-51). This is not interpretation. Indeed, the creation of the relational database is not: 1. an explanation of the meaning of the word, it is assigning a specific identifier to the word; 2. a translation of the word; 3. a personal understanding of the meaning of the word or construing of the word; or 4. a bringing out of the meaning of the word such as providing a personal conception of the word. Rather, it is merely assigning a key-stroke to the word and storing it in the cross-reference library for later use by the CAT system.

The interpretation of a fact or a specific word is not necessarily universal as is the one to one relationship between the key-stroke and the assigned word in the Bennett reference. Indeed, interpretation is influenced by the interpreter and the interpreter's concepts, beliefs, values and ideas. The Bennett system does not utilize the relational database, and in particular, the cross-reference library to interpret or to provide interpretation, but rather, it utilizes the cross-reference library only to retrieve information, and systematically substitute the word that is stored in the cross-reference library in relation to a key-stroke.

In addition to the above, the combination of Bennett and Flores further fail to meet "a plurality of interpreters, wherein each interpreter has a predefined set of service criteria" as required in claim 22. Neither Bennett or Flores discusses a "plurality of interpreters" or any interpreter having "a predefined set of service criteria" as required by the language in claim 22. Further still, this combination fails to meet any of the remaining language in claim 22. More specifically, this combination fails to meet (a) "the user requiring an interpreter to facilitate communication with a second user; (b) comparing, on the provider computer, user-selected service criteria with the predefined set of service criterion of the plurality of interpreters to determine a degree of match; (c) selecting an interpreter from the degree of match; and (d) providing, from the provider computer, the selected interpreter to the user, wherein the communication service provider facilitates communication between the first user and the second user."

Regarding (a), neither reference teaches facilitating communication with a second user. Further, regarding (c), neither Bennett nor Flores "select[s] an interpreter from the degree of match." Flores may select a specific language of a work, but that is a translation of the work, not the selection of "an interpreter". An interpreter is unnecessary since the work is already translated, and the stored translated work need only be displayed. See for example, col. 5, lines 27-58. As such an interpreter is not selected as required by the claim language. Accordingly, the claim language of (d) is not met either, as "the selected interpreter" is not provided to the user since no interpreter is selected. For these and the reasons set forth above, the Bennett and Flores combination fails to teach every limitation in claim 22, and thus, this claim is allowable.

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Regarding claims 14, 15, 18 and 23, the Office states that the combination of Bennett in view of Flores “teaches that the devices are not limited to pc’s”. The Office recites column 8, lines 18-24, but fails to identify which reference. The Applicant has reviewed this column in both patents and believes the Office intended to cite column 18, lines 18-24 of the Bennett reference. Column 18, lines 18-24 of the Bennett reference recites that “although a stenographic recorder 11 is illustrated ... other *recording* techniques are contemplated.” The reference cites a voice transcription technique or a pen-based note-pad computer having OCR software. This language fails to teach “a hand held device” as required by claims 14 and 18, “portable telephones, personal appointment managers, a Palm Pilot, and a personal communication device” as required by claim 15, or “a cellular telephone, a handheld device, wireless laptop, or Palm Pilot” as required by claim 23. Indeed, the Bennett device must be a *recording* technique that is usable in the court room and be have the capability of performing the functions of the stenographic machine. In this regard Bennett teaches away from a live interpretation and translation process as described in the instant invention. Further still, the recording technique is limited to the stenographer, and is not extended to the user computers. Thus, in combination, the claim language cannot be met as in claim 15 both the “provider computer and the user computer” are selected from the identifiable group. Further still, the language of claim 21 (from which claim 23 depends) is not met as the “interpreter possesses a wireless communication device and is capable of providing communication services while translocating from one location to another.” The combination of Bennett and Flores fails to teach “translocating from one location to another.”

Regarding claim 25, according to the Office, the combination of Bennett and Flores “teaches the recording and visual presentation of the user/interpreter”. The Applicant respectfully disagrees. The Flores reference, while providing for a video download, the video download is of the translated work the user desires to receive. Flores does not provide interpretation services such that “an image of the user is transmitted to the interpreter and an image of the interpreter is transmitted to the user computer, further digitally modifying for transmission the image of at least one of the user and the interpreter” as recited in claim 25. The Flores reference never provides any information about the interpreter; rather, only the interpreted work is displayed in some

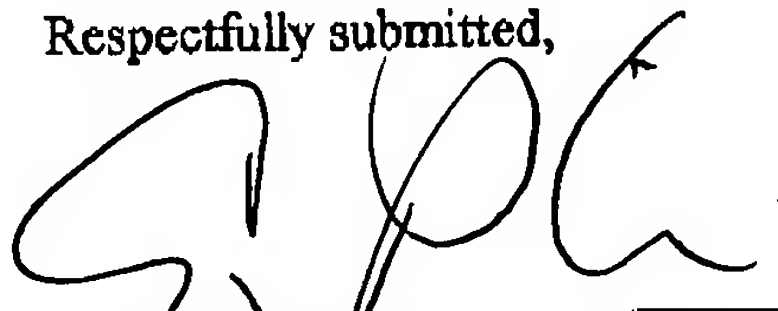
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format. Accordingly, the Bennett and Flores combination fails to teach the recited language in claim 25.

Similarly, the combination of Bennett and Flores fails to teach "a plurality of interpreters" as recited in claim 26. The Office offers no specific reference to either of these references to support this rejection, and the recited reason that the combination "teaches the recording and visual presentation of the user/interpreter" fails to support the refusal of claim 26 which requires "a plurality of interpreters."

The Applicant contends that the claims are now in allowable form and respectfully request entry of these amendments and allowance of these claims.

Respectfully submitted,



Gregory A. Piccionelli

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Robert G. Klinefelter

Dated: August 18, 2007

2801 Townsgate Road, Suite 200
Westlake Village, California 91361

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WEBSTER'S
NEW WORLD
DICTIONARY

*of the
American Language*

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in-ter-po-si-tion (in'tər pə zish'ən) *n.* [ME. *interposi-*
cion < OFr. *interposicion* < L. *interpositio* < pp. of
interponere; see *prec.*] 1. an interposing or being interposed
2. a thing interposed 3. the disputed doctrine that a
State may reject a Federal mandate that it considers to
be encroaching on its rights
in-ter-pret (in'tər'prīt) *vt.* [ME. *interpretēn* < MFr.
interpréter < L. *interpretari* < *interpres*, agent between two
parties, broker, interpreter] 1. to explain the meaning of;
make understandable [to interpret a poem] 2. to translate
(esp. oral remarks) 3. to have or show one's own under-
standing of the meaning of; construe [to interpret a silence
as contempt] 4. to bring out the meaning of; esp., to give
one's own conception of (a work of art), as in performance
or criticism —*vi.* to act as an interpreter; explain or trans-
late —*SYN.* see *EXPLAIN* —**in-ter'pret-a-ble** *adj.*
in-ter-pre-ta-tion (in'tər'prə tā'shən) *n.* [ME. *interpre-*
lacoun < OFr. *entrepretation* < L. *interpretatio*] 1. the
act or result of interpreting; explanation, meaning, trans-
lation, exposition, etc. 2. the expression of a person's
conception of a work of art, subject, etc. through acting,
playing, writing, criticizing, etc. [the pianist's interpre-
tation of the sonata] —**in-ter'pre-ta-tion-al** *adj.*
in-ter-pre-ta-tive (in'tər'prə tā'tiv) *adj.* [ML. *inter-*
pretativus] same as *INTERPRETIVE*
in-ter-pret-er (-prə'tər) *n.* [ME. *interpretour* < Anglo-Fr.
< OFr. *interpreteur* < LL(Ec.) *interpretator*] a person
who interprets; specif., a person whose work is translating
a foreign language orally, as in a conversation between
people speaking different languages
in-ter-pre-tive (-prə'tiv) *adj.* that interprets; explanatory
or elucidative
in-ter-ra-cial (in'tər'rā'shəl) *adj.* between, among, or
involving different races or members of different races:
also *in'ter-race'*
in-ter-ra-di-al (-rā'dē'əl) *adj.* situated between rays or
radii —**in'ter-ra-di-al-ly** *adv.*
in-ter-reg-num (-reg'nəm) *n., pl.* -reg'nums, -reg'na (-nə)
[L. < *inter-*, between + *regnum*, REIGN] 1. an interval
between two successive reigns, when the country has no
sovereign 2. a suspension of governmental or administra-
tive functions; period without the usual ruler, governor,
etc. 3. any break in a series or in a continuity; pause or
interval
in-ter-re-late (-ri'lāt') *vt., vi.* -lat'ed, -lat'ing to make, be,
or become mutually related —**in'ter-re-lat'ed** *adj.* —**in'-**
ter-re-lat'ed-ness *n.*
in-ter-re-la-tion (-ri'lā'shən) *n.* mutual relationship; inter-
connection —**in'ter-re-la-tion-ship** *n.*
in-ter-rex (in'tər'reks') *n., pl.* in'ter-re'ges (-rē'jēz) [L.
< *inter-*, between + *rex* (gen. *regis*), king; see *REGAL*] a
person acting as ruler during an interregnum
interrog. 1. interrogation 2. interrogative
in-ter-ro-gate (in'tər'gāt') *vt.* -gat'ed, -gat'ing [L.
interrogatus, pp. of *interrogare*, to ask < *inter-*, between +
rogare, to ask, akin to *regere*, to rule; see *REGAL*] to ask
questions of formally in examining [to interrogate a witness]
—*vi.* to ask questions —*SYN.* see *ASK*
in-ter-ro-ga-tion (in'tər'gā'shən) *n.* [ME. *interrogacion*
< MFr. *interrogation* < L. *interrogatio*] 1. an interrogat-
ing or being interrogated; examination 2. a question
3. short for *INTERROGATION MARK*
interrogation mark (or *point*) same as *QUESTION MARK*
in-ter-ro-ga-tive (in'tər'gā'tiv) *adj.* [LL. *interrogativus*
see *INTERROGATE*] 1. asking, or having the form of, a
question 2. used in asking a question —*n.* an interrogative
word, construction, or element (Ex.: what? where?)
—**in'ter-ro-ga-tive-ly** *adv.*
in-ter-ro-ga-tor (in'tər'gāt'ər) *n.* 1. a person who in-
terrogates; questioner 2. a radio or radar transmitter
whose signals actuate a transponder or a beacon
in-ter-ro-ga-to-ry (in'tər'gā'tōrē) *adj.* [LL. *interroga-*
torius] expressing or implying a question —*n., pl.* -ries a
formal question or set of questions —**in'ter-ro-ga-to-rily**
adv.
in-ter-rupt (in'tər'rupt') *vt.* [ME. *interruption* < L.
interrumpere, pp. of *interrumpere*, to break apart, break off
< *inter-*, between + *rumpere*, to break; see *RUPTURE*] 1. a)
to break into or in upon (a discussion, train of
thought, etc.) b) to break in upon (a person) while he is
speaking, working, etc.; stop or hinder 2. to make a break
in the continuity of; cut off; obstruct —*vi.* to make an
interruption, esp. in another's speech, action, etc. —
in'ter-rupt-ive *adj.*
in-ter-rupt-ed (-id) *adj.* 1. broken by interruptions; not
continuous 2. Bot. asymmetrical; irregular: said of parts
not equally spaced on a stem
interrupted screw a screw having the thread interrupted
by a slot or slots to enable it to be locked or released by a
partial turn
in-ter-rupt-er (-ər) *n.* 1. a person or thing that interrupts
2. Elec. a mechanism used to interrupt, or intermittently
open and close, a circuit
in-ter-rupt-ion (in'tər'rup'shən) *n.* [ME. *interruption* <
OFr. < L. *interruptio*] 1. an interrupting or being inter-

rupted 2. anything that interrupts 3. the interval during
which something is interrupted; intermission
in-ter-scho-las-tic (in'tər skə las'tik) *adj.* between or
among schools [an interscholastic debate]
in-ter-se (in'tər sē', sā') [L.] between (or among) them-
selves
in-ter-sect (in'tər sekt') *vt.* [L. *intersectus*, pp. of *inter-*
secare, to cut between, cut off < *inter-*, between + *secare*,
to cut; see *SAW*] to divide into two parts by passing through
or across; cut across [a river intersects the plain] —*vi.* to
cross each other [lines intersecting to form right angles]
in-ter-sec-tion (-sek'shən) *n.* [L. *intersectio*] 1. the act of
intersecting 2. a place of intersecting; specif., a) the point
or line where two lines or surfaces meet or cross b) the
place where two streets cross 3. Math. the set containing
all the points common to two or more given sets
in-ter-sec-tion-al (-l) *adj.* 1. of or forming an intersection
2. between sections or regions [intersectional football
games]
in-ter-sex (in'tər seks') *n.* Biol. an abnormal individual
having characteristics intermediate between those of male
and female
in-ter-sex-u-al (in'tər sek'shoo wəl) *adj.* 1. between the
sexes [intersexual rivalry] 2. of, or having the characteris-
tics of, an intersex
in-ter-space (in'tər spās') *for v.* in'tər spās') *n.* a space
between —*vt.* -spaced', -spac'ing 1. to make spaces
between 2. to fill spaces between
in-ter-spe-cif-ic (in'tər spi sif'ik) *adj.* between different
species
in-ter-sperse (in'tər spərs') *vt.* -spersed', -spers'ing [L.
interspersus, pp. of *interspergere* < *inter-*, among + *spargere*,
to scatter; see *SPARK*] 1. to scatter among other things;
put here and there or at intervals 2. to decorate or diver-
sify with things scattered here and there —**in'ter-sper'sion**
(-spərs'zhən, -shən) *n.*
in-ter-state (in'tər stāt') *adj.* between or among states
of a federal government [interstate commerce]
Interstate Commerce Commission a U.S. Federal com-
mission created in 1887 to regulate commerce between the
States: it has eleven members, appointed by the President
in-ter-stel-lar (in'tər stel'ər) *adj.* [INTER- + *STELLAR*]
between or among the stars [interstellar space]
in-ter-stice (in'tər'stis) *n., pl.* -stices (-stis iz, -stə sēz')
[Fr. < LL. *interstitium* < *inter-*, between + *sistere*, to set <
stare, to STAND] a small or narrow space between things or
parts; crevice; chink; crack
in-ter-sti-tial (in'tər stish'əl) *adj.* 1. of, forming, or
occurring in interstices 2. Anat. situated between the
cellular components of an organ or structure —**in'ter-**
sti-tial-ly *adv.*
interstitial cell-stimulating hormone see *LUTEINIZING*
HORMONE
in-ter-tex-ture (in'tər teks'chər) *n.* [L. *intertextus*, pp.
of *intertextere*, to interweave (see *INTER-* & *TEXTURE*) +
-URE] 1. the act or process of interweaving 2. something
formed by interweaving
in-ter-tid-al (-tid'əl) *adj.* of or pertaining to a shore zone
bounded by the levels of low and high tide
in-ter-trib-al (-tri'b'əl) *adj.* between or among tribes
in-ter-trop-i-cal (-trāp'ik'əl) *adj.* within or between the
tropics (of Cancer and Capricorn)
in-ter-twine (-twīn') *vt., vi.* -twined', -twin'ing to twine
together; intertwine
in-ter-twist (-twist') *vt., vi.* to twist together
in-ter-ur-ban (-ər'bən) *adj.* [INTER- + *URBAN*] between
cities or towns [an interurban railway] —*n.* an interurban
railway, trolley route, train, car, etc.
in-ter-val (in'tər vəl) *n.* [ME. *entervall*, *intervalle* < OFr. <
L. *intervallum*, lit., space between two palisades or walls <
inter-, between + *vallum*, palisade, wall] 1. a space
between two things; gap; distance 2. a period of time
between two points of time, events, etc.; intervening
period 3. the extent of difference between two qualities,
conditions, etc. 4. same as *INTERVALE* 5. Math. the set
containing all numbers between two given numbers and
including one, both, or neither end point 6. Music the
difference in pitch between two tones —**at intervals** 1. once
in a while 2. here and there —**in'ter-val'ic** (-val'ik) *adj.*
in-ter-vale (-vāl') *n.* [a blending of *prec.* + *VALE*]
[Chiefly New England] low, flat land between hills or
along a river or stream; bottom land: also *INTERVALE* (or
INTERVAL) *land*
in-ter-vene (in'tər vēn') *vi.* -vened', -ven'ing [L. *inter-*
venire < *inter-*, between + *venire*, to come] 1. to come, be,
or lie between 2. to take place between two points of time,
events, etc. 3. to come or be in between as something
unnecessary or irrelevant 4. to come between as an
influencing force, as in order to modify, settle, or hinder
some action, argument, etc. 5. Law to come in as a
third party to a suit, for the protection of one's own
interests —*SYN.* see *INTERPOSE* —**in'ter-ven'er**, *Law in'-*
ter-ve'nor *n.*
in-ter-ven-ient (-vən'yənt) *adj.* [L. *interveniens*, prp.]
intervening —*n.* an intervening person or thing